

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**In Re: Methyl Tertiary Butyl Ether (“MTBE”)  
Products Liability Litigation**

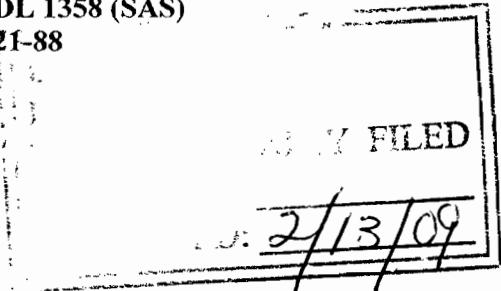
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**Master File No. 1:00 – 1898  
MDL 1358 (SAS)  
M21-88**

**This document relates to:**

*Basso, et al. v. Sunoco, Inc., et al.*, No. 03 Civ. 9050

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**[PROPOSED] ORDER DISMISSING QUATTROCCHI  
PLAINTIFFS' CLAIMS WITH PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(2), and upon the Motion of Plaintiffs John Quattrocchi, Ann Quattrocchi John T. Quattrocchi, Damon Quattrocchi, and Elaina Quattrocchi (collectively, the “Quattrocchi Plaintiffs”) for an Order dismissing their claims with prejudice, the declaration of Peter D. Hoffman, Esq., attorney for the Quattrocchi Plaintiffs, in support, and the Court’s December 1, 2008 Order Approving Settlement of Action on Behalf of Infants; and upon all pleadings, papers, and proceedings in this action, the Court hereby GRANTS the Quattrocchi Plaintiffs’ Motion and ORDERS:

That the claims of Plaintiffs John Quattrocchi, Ann Quattrocchi John T. Quattrocchi, Damon Quattrocchi, and Elaina Quattrocchi against Defendants Sunoco, Inc. and Sunoco, Inc. (R&M) in the in the above-captioned action are hereby DISMISSED WITH PREJUDICE, each side to bear its own costs.

**SO ORDERED.**

New York, NY  
Dated February 13, 2009

  
Hon. Shira A. Scheindlin, U.S.D.J.

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**DECLARATION OF PETER D. HOFFMAN, ESQ., IN SUPPORT OF  
MOTION FOR ORDER TO DISMISS QUATTROCCHI PLAINTIFFS'  
CLAIMS WITH PREJUDICE**

STATE OF NEW YORK  
County of Westchester

Peter D. Hoffman, Esq., being sworn states:

1. I am the attorney for John Quattrocchi, Ann Quattrocchi, John T. Quattrocchi, Damon Quattrocchi, and Elaina Quattrocchi (collectively, the “Quattrocchi Plaintiffs”), in the above-captioned action (the “Action”).
2. On or about February 10, 2003, I was retained by the Quattrocchi Plaintiffs in connection with the Action.
3. On or about November 16, 2003, the Action was commenced against Sunoco, Inc. and Sunoco, Inc. (R&M) (“Sunoco”), and other defendants.
4. On or about October 1, 2008, the Quattrocchi Plaintiffs entered into a Settlement Agreement (the “Settlement Agreement”) with Defendants Sunoco, Inc., and Sunoco, Inc. (R&M) (“Sunoco”) resolving the Quattrocchi Plaintiffs’ claims in the Action.

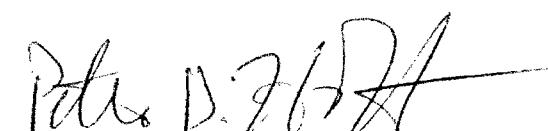
5. On or about December 1, 2008, this honorable Court entered an Order Approving Settlement of Action on Behalf of Infants (the "December 1st Order"), thereby approving the settlement between Sunoco and the Quattrocchi Plaintiffs, including the minor children John T. Quattrocchi, Damon Quattrocchi, and Elaina Quattrocchi. A true and correct copy of the December 1st Order is attached hereto as Exhibit A.

6. Sunoco has sent me, as Attorney for the Quattrocchi Plaintiffs, the Settlement Payment required under the Settlement Agreement and this Court's December 1st Order. As further required under the Settlement Agreement and the December 1st Order, I will hold the Settlement Payment in escrow until this Court enters an Order dismissing with prejudice the Quattrocchi Plaintiffs' claims against Sunoco.

7. Accordingly, the Quattrocchi Plaintiffs hereby move this Court pursuant to Federal Rule of Civil Procedure 41(a)(2) for an Order dismissing their claims against Sunoco with prejudice, each side to bear its own costs. A copy of a proposed Order to effectuate this dismissal is being filed concurrently herewith.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: Katonah, New York  
December 22, 2008



Peter D. Hoffman (PH-8306)

## **Exhibit A**